

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan Jackson on 4/7/11.

In regard to claim 32, line 1 After "headset apparatus of claim", delete/remove "32" , add/insert "2".

### ***Allowable Subject Matter***

Claims 2-3; 5-21; 23; 29; 32-43 are allowed.

In regard to independent claim 2, while the prior art of record disclose of a headset apparatus comprising: at least first and second speakers, each speaker comprising a speaker chamber extending posteriorly therefrom; at least one first tube connected adjacent a first end thereof anterior to the first speaker; at least one second tube connected adjacent a first end thereof anterior to the second speaker; a first outlet at a second end of the at least one first tube for positioning the at least one first outlet at a first position adjacent a user's first ear; and a second outlet at a second end of the at least one second tube for positioning the at least one second outlet at a second position

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adjacent a user's second ear; wherein the at least one first tube is continuous with the at least one second tube at respective first ends thereof and the first and second speakers are positioned between the first and second outlets on either side of.

However, none of the prior art of record disclose of wherein a distance from the centerline of an acoustic path formed by the first and second tubes such that a tube length between the first speaker and the first outlet is less than a tube length between the first speaker and the second outlet, and a tube length between the second speaker and the second outlet is less than a tube length between the second speaker and the first outlet, and further wherein the tube length between the first speaker and the first outlet is substantially the same as a tube length between the second speaker and the second outlet, and the tube length, between the second speaker and the second outlet is substantially the same as a tube length between the first speaker and the first outlet.

Similarly, claims 3; 5-21; 23; 29; 32 which depend on the allowable claim 2 have been allowed accordingly.

In regard to claim 33, while the prior art of record disclose of a headset apparatus for 3D sound comprising: first, second, third and fourth position generating speakers, each comprising a speaker chamber extending posteriorly therefrom; a first tube connected adjacent a first end thereof anterior to the first speaker, a second end of the first tube terminating at a first outlet for positioning at a first position adjacent the user's first ear;

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a second tube connected adjacent a first end thereof anterior to the second speaker, a second end of the second tube terminating at a second outlet for positioning at a first position adjacent the user's second ear; a third tube connected adjacent a first end thereof to the third speaker, a second end of the third tube terminating at a third outlet for positioning at a second position adjacent the user's first ear, and; a fourth tube connected adjacent a first end thereof to the fourth speaker, a second end of the fourth tube terminating at a fourth outlet for positioning at a second position adjacent the user's second ear, wherein the first tube is continuous with the second tube at respective first ends thereof and the first and second speakers are positioned between the first and second outlets on either side of.

However, none of the prior art of record disclose of the specific wherein a distance from the centerline of an acoustic path formed by the first and second tubes such that a tube length between the first speaker and the first outlet is less than a tube length between the first speaker and the second outlet, and a tube length between the second speaker and the second outlet is less than a tube length between the second speaker and the first outlet, and further wherein the tube length between the first speaker and the first outlet is substantially the same as a tube length between the second speaker and the second outlet, and the tube length between the second speaker and the second outlet is substantially the same as a tube length between the first speaker and the first outlet; and wherein the third tube is continuous with the fourth tube at respective first ends thereof and the third and fourth speakers are positioned

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between the third and fourth outlets on either side of and a distance from the centerline of an acoustic path formed by the third and fourth tubes such that a tube length between the third speaker and the third outlet is less than a tube length between the third speaker and the fourth outlet, a tube length between the fourth speaker and the fourth outlet is less than a tube length between the fourth speaker and the third outlet, the tube length between the third speaker and the third outlet is substantially the same as the tube length between the fourth speaker and the fourth outlet and the tube length between the third speaker and the fourth outlet is substantially the same as a tube length between the fourth speaker and the third outlet

Similarly, claims 34-43 which depend on the allowable claim 33 have been allowed accordingly.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DISLER PAUL whose telephone number is (571)270-1187. The examiner can normally be reached on 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on (571) 272-78-48. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/D. P./  
Examiner, Art Unit 2614

/Devona E. Faulk/  
Primary Examiner, Art Unit 2614